

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Zohar III, Corp.,¹

Debtor.

Chapter 11

Case No. 18-10512 (KBO)

DAVID DUNN, as Litigation Trustee for
Zohar Litigation Trust-A,

Plaintiff,

-against-

PATRIARCH PARTNERS, LLC;

PATRIARCH PARTNERS VIII, LLC;

PATRIARCH PARTNERS XIV, LLC;

PATRIARCH PARTNERS XV, LLC;

PHOENIX VIII, LLC; OCTALUNA LLC;

OCTALUNA II LLC; OCTALUNA III LLC;

ARK II CLO 2001-1, LIMITED; ARK

INVESTMENT PARTNERS II, LP; ARK

ANGELS VIII, LLC; PATRIARCH

PARTNERS MANAGEMENT GROUP, LLC;

PATRIARCH PARTNERS AGENCY

SERVICES, LLC; and LYNN TILTON,

Defendants, and

180S, INC.; GLOBAL AUTOMOTIVE

SYSTEMS, LLC; INTREPID U.S.A., INC.;

IMG HOLDINGS, INC.; SCAN-OPTICS,

LLC; STILA STYLES, LLC; SNELLING

STAFFING, LLC; and VULCAN

ENGINEERING, CO.,

Nominal Defendants.

Adv. Pro. No. 20-50534 (KBO)

¹ The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number, is Zohar III, Corp., (9612). The Debtor's address is c/o Province, LLC 70 Canal Street, Suite 12E, Stamford, CT 06902. In addition to Zohar III, Corp., the Debtor's affiliates include the following debtors whose bankruptcy cases have been closed prior to the date hereof, along with the last four digits of their respective federal tax identification numbers and chapter 11 case numbers: Zohar II 2005-1, Corp. (4059) (Case No. 18-10513); Zohar CDO 2003-1, Corp. (3724) (Case No. 18-10514); Zohar III, Limited (9261) (Case No. 18-10515); Zohar II 2005-1, Limited (8297) (Case No. 18-10516); Zohar CDO 2003-1, Limited (5119) and (Case No. 18-10517). All motions, contested matters, and adversary proceedings that remained open as of the closing of such cases, or that are opened after the date thereof, with respect to such Closed-Case debtors, are administered in this remaining chapter 11 case.

PATRIARCH PARTNERS VIII, LLC;
PATRIARCH PARTNERS XIV, LLC;
PATRIARCH PARTNERS XV, LLC;
OCTALUNA LLC; OCTALUNA II LLC;
OCTALUNA III LLC; PATRIARCH
AGENCY SERVICES, LLC; and
PATRIARCH PARTNERS, LLC,

Counterclaim and
Third-Party
Claimants,

-against-

ZOHAR CDO 2003-1, LIMITED; ZOHAR
CDO 2003-1, CORP.; ZOHAR II 2005-1,
LIMITED; ZOHAR II 2005-1, CORP.;
ZOHAR III, LIMITED; and ZOHAR III,
CORP.,

Counterclaim and
Third-Party
Defendants.

DAVID DUNN, as Litigation Trustee for
Zohar Litigation Trust-A,

Plaintiff,

-against-

LYNN TILTON, PATRIARCH
PARTNERS, LLC, PATRIARCH
PARTNERS VIII, LLC, PATRIARCH
PARTNERS XIV, LLC, PATRIARCH
PARTNERS XV, LLC PATRIARCH
PARTNERS AGENCY SERVICES, LLC,

PATRIARCH PARTNERS
MANAGEMENT GROUP, LLC,
OCTALUNA LLC, OCTALUNA II LLC,
ARK II CLO 2001-1, LLC, ARK
INVESTMENT PARTNERS II, L.P., LD
INVESTMENTS, LLC, ZOHAR HOLDING,
LLC, AND ZOHAR HOLDINGS, LLC,

Defendants.

Adv. Pro. No. 20-50776 (KBO)

**PATRIARCH'S MOTION TO COMPEL DISCOVERY FROM
FTI CONSULTING, INC.**

Defendants Lynn Tilton; Patriarch Partners, LLC; Patriarch Partners VIII, LLC; Patriarch Partners XIV, LLC; Patriarch Partners XV, LLC; Phoenix VIII, LLC; Patriarch Partners Agency Services, LLC; Patriarch Partners Management Group, LLC; Zohar Holdings, LLC; Octaluna, LLC; Octaluna II, LLC; Octaluna III, LLC, Ark II CLO 2001-1, Ltd., Ark Investment Partners II, L.P.; LD Investments, LLC; and Ark Angels VIII, LLC (collectively, the “Patriarch Stakeholders” or “Patriarch”) hereby bring this motion (“Motion”),¹ to compel FTI Consulting, Inc. (“FTI”) to search for and produce documents in its possession responsive to Patriarch’s Subpoena to Produce Documents (the “Subpoena”).

By this Motion, Patriarch seeks an order compelling FTI to review the approximately 110,000 document population reached through the parties’ negotiations at its own expense. Attached hereto as Exhibit A is a Proposed Order granting the Motion.

In support of this Motion, Patriarch incorporates its *Memorandum of Law in Support of Motion to Compel Discovery from FTI Consulting, Inc.* and the *Declaration of Diane Chan in Support of Patriarch’s Motion to Compel Discovery from FTI Consulting, Inc.*

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¹ Pursuant to LBR 7008-1, Patriarch consents to the entry of final orders or judgment by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution solely with respect to the relief sought in this Motion and not with respect to any other relief.

Dated: August 29, 2024
Wilmington, Delaware

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Scott D. Cousins

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Counsel to Lynn Tilton, Patriarch Partners, LLC, Patriarch Partners VIII, LLC, Patriarch Partners XIV, LLC, Patriarch Partners XV, LLC, Phoenix VIII, LLC, Patriarch Partners Agency Services, LLC, Patriarch Partners Management Group, LLC, Zohar Holdings, LLC, Octaluna LLC, Octaluna II LLC, Octaluna III LLC, Ark II CLO 2001-1, Limited, Ark Investment Partners II, L.P., LD Investments, LLC and Ark Angels VIII, LLC